

U.S. EPA

CERCLA SECTION 104(e)

INFORMATION REQUEST

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**Please note:** This Information Request includes instructions for responding to this request and definitions of words such as "Respondent," "Property," "Material," "Identify," and "Investigation Area" used in the questions. Please provide responses to all the questions in this Information Request for each Property identified in response to Question 4 of Section 2.0, when appropriate. You must answer the Questions in this Information Request related to properties or facilities outside the Investigation Area if Question 4, Section 2.0 specifically instructs you to do so. For each response clearly identify the Property or Properties to which the response applies.

INFORMATION REQUEST QUESTIONS

Section 1.0 Respondent Information

1. Provide the full legal, registered name and mailing address of Respondent.

**RESPONSE:**

*CHS Inc.  
5500 Cenex Drive  
Inver Grove Heights, MN 55077*

2. For each person answering these questions on behalf of Respondent, provide:
  - a. full name;
  - b. title;
  - c. business address; and
  - d. business telephone number, electronic mail address, and FAX machine number.

**RESPONSE:**

*a. Malcolm G. McDonald  
b. Senior Legal Counsel  
c. 5500 Cenex Drive, Inver Grove Heights, MN 55077  
d. (651) 355-3726, [malcolm.mcdonald@chsinc.com](mailto:malcolm.mcdonald@chsinc.com), fax - (651) 355-4554*

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, fax number, and, if available, electronic mail address.

**RESPONSE:**

*Clark J. Davis  
Davis Roberts & Johns  
7525 Pioneer Way #202  
Gig Harbor, WA 98335  
Telephone Number: (253) 858-8606  
Fax: (253) 858-8646  
Email: [clark@drj-law.com](mailto:clark@drj-law.com)*

**Section 2.0 Owner/Operator Information**

4. Identify each and every Property that Respondent currently owns, leases, operates on, or otherwise is affiliated or historically has owned, leased, operated on, or otherwise been affiliated with within the Investigation Area during the period of investigation (1937 – Present). Please note that this question includes any aquatic lands owned or leased by Respondent.

**RESPONSE:**

*For the corporate history, see also Responses to Request Nos. 74 and 75. Respondent, Cenex Ag, Inc., is a wholly-owned subsidiary of CHS Inc., successor by merger to Cenex, Inc. (formerly known as Farmers Union Central Exchange, Incorporated). For purposes of these Responses, Farmers Union Central Exchange, Incorporated, Cenex, Inc. and CHS Inc. are sometimes hereinafter referred to collectively as “CHS.” CHS does not currently own, lease, or operate on any Property within the Investigation Area. In the past, CHS has had an interest in three parcels that are located within the Investigation Area. Those three parcels are identified as follows:*

***Parcel #1*** (hereinafter sometimes referred to as either “Parcel 425” or the “Feed Mill”) – On April 2, 1982, Cenex Ag, Inc. acquired what is commonly known as the Portland Feed Mill from Western Farmers Association (“WFA”). A copy of the deed from WFA to Cenex Ag, Inc. is attached as **Exhibit “A”** (the “Feed Mill Deed”). The Feed Mill Deed contains the legal description of the Feed Mill. This property is part of what is labeled as Parcel 425 (the westerly part of Parcel 425 only) on Attachment 2 (Base Map Excerpt) to the CERCLA Section 104(e) Nomination Summary: Cenex Ag, Inc.

*Cenex Ag, Inc. (or its parent corporation Farmers Union Central Exchange, Incorporated) operated the Feed Mill until December 31, 1986. On January 1, 1987, Farmers Union Central Exchange, Incorporated leased the Feed Mill to Land O’Lakes, Inc., a Minnesota corporation (“LOL”). A copy of the Lease from Farmers Union Central Exchange, Incorporated to LOL is attached hereto as **Exhibit “B.”** From and after January 1, 1987, the Feed Mill was operated by LOL. On July 24, 1989, Cenex Ag, Inc. sold the Feed Mill to Land O’Lakes/CENEX Feeds, Inc. (“LOL-Cenex”). A copy of the deed from Cenex Ag, Inc. to LOL-Cenex is attached as **Exhibit “C.”** (See **Exhibit “R”** for a copy of the*

*“Western Feed Asset Purchase And Sale Agreement” pursuant to which Cenex Ag, Inc. agreed to sell the Feed Mill to LOL-Cenex which transaction is evidenced by the deed from Cenex Ag, Inc. to LOL-Cenex which is attached as **Exhibit “C”**). LOL-Cenex was a wholly-owned subsidiary of LOL. As a result of the preceding transactions, CHS (including Farmers Union Central Exchange, Incorporated, Cenex, Inc., Cenex Ag, Inc. and CHS Inc.) did not operate the Feed Mill after December 31, 1986, and did not own the Feed Mill after July 24, 1989.*

***Parcel #2** (hereinafter sometimes referred to as “Parcel 424”) – The second parcel that CHS had an interest in within the Investigation Area is labeled as Parcel 424 on Attachment 2 (Base Map Excerpt) to the CERCLA Section 104(e) Nomination Summary: Cenex Ag, Inc. Although CHS never owned Parcel 424, CHS was a tenant of Parcel 424 as a result of an assignment by Pacific Supply Cooperative (“PSC”) to CHS of PSC’s interest as tenant in and to Parcel 424.*

*On October 11, 1968, The Port of Portland (“POP”) conveyed Parcel 424 to PSC. A copy of the deed from POP to PSC is attached as **Exhibit “D”** (the “Parcel 424 Deed”). The Parcel 424 Deed contains the legal description for Parcel 424.*

*On July 24, 1977, PSC finalized an agreement with POP whereby PSC agreed to convey Parcel 424 to POP in exchange for POP’s agreement to convey approximately 35 acres of unimproved land situated in the Rivergate Industrial District (the “Rivergate Parcel”) to PSC. As a part of that agreement, PSC also agreed to “lease-back” Parcel 424 from POP (see **Exhibit “E”**).*

*On August 8, 1977, PSC then conveyed Parcel 424 to POP. A copy of the deed from PSC to POP is attached as **Exhibit “F.”** On information and belief, POP leased Parcel 424 to PSC at the time that PSC deeded Parcel 424 to POP but CHS is not in possession of a copy of the lease between POP and PSC as to Parcel 424.*

*In September 1977, CHS purchased substantially all of the assets of PSC including PSC’s leasehold interest in Parcel 424. As a part of that transaction, PSC assigned all of PSC’s right, title and interest as tenant in and to Parcel 424 to CHS on or about September 30, 1977. A copy of the General Assignment from PSC to CHS (or CHS’ predecessor Farmers Union Central Exchange, Incorporated) is attached as **Exhibit “G.”** (See **Exhibit “X”** for a copy of the “Purchase and Sale Agreement” by and between CHS and PSC pursuant to which CHS agreed to acquire substantially all of the assets of PSC including PSC’s leasehold interest in Parcel 424, which transaction is evidenced by the General Assignment from PSC to CHS (or CHS’ predecessor Farmers Union Central Exchange, Incorporated) which is attached as **Exhibit “G”**).*

*On information and belief, the lease of Parcel 424 between POP and CHS (as “Assignee” of PSC) terminated in May of 1980 when POP sold Parcel 424 to Island Holdings, Inc. (“IHI”). A copy of the deed from POP to IHI is attached as **Exhibit “H.”***

**Parcel #3** (the “Rivergate Parcel” as such term is defined above) – On or about July 26, 1977, POP deeded the Rivergate Parcel to PSC. A copy of the deed from POP to PSC is attached as **Exhibit “I”** (the “Rivergate Parcel Deed”). The Rivergate Parcel Deed contains the legal description of the Rivergate Parcel. On or about October 1, 1977, as a part of CHS’ purchase of the assets of PSC, PSC conveyed the Rivergate Parcel to CHS. A copy of the deed from PSC to CHS is attached as **Exhibit “J.”** On or about January 15, 1980, CHS conveyed the Rivergate Parcel to POP. A copy of the deed from CHS to POP for the Rivergate Parcel is attached as **Exhibit “K.”** On information and belief, the Rivergate Parcel was never used, operated or otherwise occupied by either CHS or PSC.

5. Provide a brief summary of Respondent’s relationship to each Property listed in response to Question 4 above, including the address, Multnomah County Alternative Tax lot Identification number(s), dates of acquisition, period of ownership, lease, operation, or affiliation, and a brief overview of Respondent’s activities at the Properties identified.

**RESPONSE:**

*See Response to Request No. 4 above.*

**Parcel #1**

Address: 6135 N. Basin Avenue, Portland, OR 97217  
Tax id number R315728  
Date of Acquisition April 2, 1982  
Period of Operation April 2, 1982 – December 31, 1986  
Period of Ownership April 2, 1982 – July 24, 1989  
Brief Overview Operation of a feed mill.

**Parcel #2**

Address: 5617 – 5885 N. Basin Avenue, Portland, OR 97217  
Tax id number R315725  
Date of Acquisition CHS acquired leasehold interest on September 30, 1977.  
Period of Ownership CHS’s leasehold interest terminated in May 1980.  
Brief Overview Parcel 424 was operated as a pesticide blending, fertilizer blending, bulk pesticide storage and distribution facility.

**Parcel #3**

Address: On information and belief, the Rivergate Parcel may have been on Lombard Ave, Portland, OR  
Tax id number Unknown  
Date of Acquisition October 1, 1977  
Period of Ownership: October 1, 1977 – Jan. 15, 1980  
Brief Overview The Rivergate Parcel was never used, operated or otherwise occupied by either CHS or PSC.

6. Identify any persons who concurrently with you exercises or exercised actual control or who held significant authority to control activities at each Property, including:
- a. partners or joint venturers;
  - b. any contractor, subcontractor, or licensor that exercised control over any materials handling, storage, or disposal activity on the Property; (service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities);
  - c. any person subleasing land, equipment or space on the Property;
  - d. utilities, pipelines, railroads and any other person with activities and/or easements regarding the Property;
  - e. major financiers and lenders;
  - f. any person who exercised actual control over any activities or operations on the Property;
  - g. any person who held significant authority to control any activities or operations on the Property;
  - h. any person who had a significant presence or who conducted significant activities at the Property; and
  - i. any government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activity on the Property.

**RESPONSE:**

*See Response to Request No. 4 above. In addition, CHS is able to provide the following information.*

**Parcel #1** – *As stated in Response to Request No. 4 above, on October 24, 1986, LOL and Farmers Union Central Exchange, Incorporated entered into a Joint Venture Agreement (the “JV Agreement”) pursuant to which Farmers Union Central Exchange, Incorporated agreed to lease, sublease and/or assign to LOL performing assets owned or leased by Farmers Union Central Exchange, Incorporated relating to the conduct of its feed and seed operations. A copy of the JV Agreement is attached hereto as **Exhibit “L.”** **Exhibit “B”** (described in Response to Request No. 4 above) is a copy of the Lease of the Feed Mill from Farmers Union Central Exchange, Incorporated to LOL dated January 1, 1987. Attached hereto as **Exhibits “M”** through **“Q”** are copies of a number of Leases and Subleases of feed/seed equipment and rolling stock as follows:*

*(i) Lease from Cenex Ag, Inc. to LOL-Cenex dated January 1, 1987 (**Exhibit “M”**);*

*(ii) Sublease from Cenex Ag, Inc. to LOL-Cenex dated January 1, 1987 (**Exhibit “N”**);*

*(iii) Lease from Farmers Union Central Exchange, Incorporated to LOL dated January 1, 1987 (**Exhibit “O”**);*

*(iv) Sublease from Farmers Union Central Exchange, Incorporated to LOL*

*dated January 1, 1987 (**Exhibit “P”**); and*

*(v) Sublease from Farmers Union Central Exchange, Incorporated to LOL dated January 1, 1987 (**Exhibit “Q”**).*

*Attached hereto as **Exhibit “R”** is a copy of the “Western Feed Asset Purchase And Sale Agreement” pursuant to which Cenex Ag, Inc. agreed to sell the Feed Mill to LOL-Cenex which transaction is evidenced by the deed from Cenex Ag, Inc. to LOL-Cenex which is attached as **Exhibit “C.”***

*Attached as **Exhibit “S”** is a copy of a Policy of Title Insurance for Parcel 425 which shows any easements and other encumbrances affecting said parcel as of April 23, 1982.*

***Parcel #2** – Attached as **Exhibit “T”** is a copy of a Policy of Title Insurance for Parcel 424 which shows any easements and other encumbrances affecting said parcel as of November 15, 1977.*

***Parcel #3** – As evidenced by a letter dated August 17, 1976 (a copy of which is attached as **Exhibit “U”**), PSC obtained authorization to remove existing fill material to meet Rivergate Development needs from locations in the Rivergate Industrial District. PSC’s obligations under the August 17, 1976 letter (**Exhibit “U”**) were assigned by PSC to CHS, and assumed by CHS, as a part of CHS’ acquisition of PSC’s assets in 1977. In January 1980, CHS paid POP the sum of \$239,198.75 in exchange for a release of its obligations under that letter. A copy of the Agreement between CHS and POP evidencing this release and payment is attached as **Exhibit “V”**).*

7. Identify and describe any legal or equitable interest that you now have, or previously had in each Property. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed, if applicable. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, purchase and sale agreements, partnership agreements, etc.).

**RESPONSE:**

*See Responses to Request Nos. 4 and 6 above.*

***Parcel #1** – Attached hereto as **Exhibit “W”** is a copy of the “Asset Purchase and Sale Agreement” by and between Cenex Ag, Inc. and WFA pursuant to which Cenex Ag, Inc. agreed to purchase many of the assets of WFA including, but not limited to, the Feed Mill, which transaction is evidenced by the deed from WFA to Cenex Ag, Inc. which is attached as **Exhibit “A.”***

***Parcel #2** – Attached hereto as **Exhibit “X”** is a copy of the “Purchase and Sale Agreement” by and between CHS and PSC pursuant to which CHS agreed to acquire substantially all of the assets of PSC including PSC’s leasehold interest in Parcel 424, which transaction is evidenced by the General Assignment from PSC to CHS (or CHS’ predecessor Farmers Union Central Exchange, Incorporated) which is attached as **Exhibit “G.”***

8. If you are the current owner and/or current operator, did you acquire or operate the Property or any portion of the Property after the disposal or placement of hazardous substances, waste, or materials on, or at the Property? Describe all of the facts on which you base the answer to this question.

**RESPONSE:**

*Not applicable. CHS is not the current owner and/or operator of any of the three Parcels.*

9. At the time you acquired or operated the Property, did you know or have reason to know that any hazardous substance, waste, or material was disposed of on, or at the Property? Describe all investigations of the Property you undertook prior to acquiring the Property and all of the facts on which you base the answer to this question.

**RESPONSE:**

*CHS did not know or have reason to know that any hazardous substance, waste, or material was disposed of on, or at Parcel 1, 2 or 3. CHS has not located any investigations of any of the Parcels undertaken prior to their acquisition. We do not know whether any such investigations were undertaken.*

10. Identify all prior owners that you are aware of for each Property identified in Response to Question 4 above. For each prior owner, further identify if known, and provide copies of any documents you may have regarding:
- the dates of ownership;
  - all evidence showing that they controlled access to the Property; and
  - all evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Property during the period that they owned the Property.

**RESPONSE:**

*See Response to Request No. 4 above.*

***Parcel #1** – In addition to the information provided in Response to Request No. 4 above, see **Exhibits “Y” through “GG”** for evidence regarding other owners of Parcel #1 and their dates of ownership.*

**Parcel #2** – In addition to the information provided in Response to Request No. 4 above, see **Exhibits “HH” through “NN”** for evidence regarding other owners of Parcel #2 and their dates of ownership.

CHS is aware of the following evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at Parcel 424 as follows:

See the CERCLA Section 104(e) Nomination Summary: Cenex Ag, Inc. For the record, the description in said Section IV. is inaccurate to the extent that it refers to Cenex Ag, Inc. as the successor to PSC. Cenex Ag, Inc. is not the successor to PSC. CHS, which purchased the assets of PSC, is the successor to PSC to the extent provided for in **Exhibit “X.”**

According to the CERCLA Section 104(e) Nomination Summary: Cenex Ag, Inc., Parcel 424 included a warehouse, irrigation shop, bulk storage, gasoline shelter and vehicle parking lots. In 1980, the Oregon Department of Environmental Quality investigated and confirmed a report that employees of the operator of Parcel 424 dumped approximately 5 – 7 barrels of waste into a manhole that discharged to the Swan Island Lagoon. According to the U.S. Coast Guard, approximately 5 – 10 gallons of waste reached the Willamette River; the residue in the manhole was removed.

In addition, also according to the CERCLA Section 104(e) Nomination Summary: Cenex Ag, Inc., environmental assessments performed on Parcel 424 in 1990 through 1992 identified what is characterized as “isolated” soil contamination from pesticides and PCBs. See the Dames & Moore “Report Focused Soil and Groundwater Assessment Island Holding Property” dated May 12, 1992 (Job #20526-001-005) (the “D&M Report”), a portion of which is attached to the CERCLA Section 104(e) Nomination Summary: Cenex Ag, Inc. In Section 5.0 “Conclusions and Recommendations” of the D&M Report, D&M states:

“Based on the results of our investigation, the subsurface soil and groundwater contamination identified in the CH2M Hill Report (dated July 1991) appears to be localized and does not appear to impact an extensive portion of the site.”

CHS is not in possession of a complete copy of the D&M Report. Referring again to the CERCLA Section 104(e) Nomination Summary: Cenex Ag, Inc., the page marked “ODEQ200101480” states:

“The levels of contamination in the soils are below Soil Cleanup standards. Some of the levels found in 1990 groundwater grab samples are above MCL’s, however, the monitoring wells installed in 1992 do not confirm the data. The grab samples may have been contaminated by



*surface contamination during drilling. The agri-chemical contamination present in the interior of the building does not appear to pose a threat for a release to the environment. An area of soil potentially contaminated with diesel should be assessed and, if necessary, removed (11/5/93 HMS). DEQ has completed a review of information submitted ... conditions have been met and no further action is required. No further action letter sent 11/5/93 by HMS/SAS."*

*See also the letter from the Oregon Department of Environmental Quality to Island Holdings, Inc. dated June 30, 1992 (Page ODEQ2001101540). This letter also confirms that there were three potential areas of concern at Parcel 424: (i) sub-surface contamination, (ii) agri-chemical contamination inside the facility, and (iii) an area of diesel contamination. According to the Oregon DEQ:*

*"The subsurface contamination initially identified in 1990 and re-evaluated in 1992 appears to exist in an isolated area and has not migrated significantly. Since the contamination levels are relatively low, and the area is paved, the DEQ has determined that no further state action is necessary to address this area of concern. The contamination present in the interior of the warehouse does not appear to pose a threat for a release to the environment, however it will be referred to OSHA. Finally, the extent soil contaminated by diesel should be addressed and if necessary, removed."*

*See also the letter from IHI to the Oregon DEQ dated October 1, 1993 (Page ODEQ200101542). This letter confirms that CHS caused the following remediation items to be completed: (i) CHS caused Bennetts Laboratory to remove the interior warehouse contamination, and (ii) the underground storage tanks were permanently closed under contract with Technical Action Group.*

*See also the "Record of Communication" dated May 15, 1992 (Page ODEQ200101565). This confirms that the PCB/heavy metal contamination at Parcel 424 is due to the fill materials used to develop the site and is the responsibility of POP.*

*Attached hereto as **Exhibit "OO"** is a copy of a Summons and Complaint pursuant to which IHI sued Cenex, Ltd. alleging damages arising from environmental contamination of Parcel 424. Cenex, Ltd. was a subsidiary of Farmers Union Central Exchange, Incorporated which changed its name to Cenex Supply & Marketing, Inc. in 1993 and then which was dissolved in 1996. Attached hereto as **Exhibit "PP"** is a copy of the Answer of Cenex, Ltd. to the IHI Complaint. Attached hereto as **Exhibit "QQ"** is a copy of a Settlement Agreement by and between IHI and Cenex, Ltd. pursuant to which "Cenex, Ltd." (which is defined to include Farmers Union Central Exchange, Incorporated, which is now CHS) agreed to clean up the contamination and make a cash*

*payment to IHI. Significantly, in exchange for the agreement of CHS to clean up the contamination and make a cash payment to IHI, IHI agreed to defend and indemnify CHS from any and all future claims against CHS arising from contamination of Parcel 424 (see paragraph 9.). This indemnification obligation on the part of IHI applies to the present proceedings. Attached as **Exhibit "RR"** is a copy of an Agreement for Remedial Services dated April 23, 1993 by and between CHS and Bennetts Laboratory.*

11. Identify all prior operators of the Property, including lessors, you are aware of for each Property identified in response to Question 4 above. For each such operator, further identify if known, and provide copies of any documents you may have regarding:
- a. the dates of operation;
  - b. the nature of prior operations at the Property;
  - c. all evidence that they controlled access to the Property; and
  - d. all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Property during the period that they were operating the Property.

**RESPONSE:**

*See Responses to Request Nos. 4, 6, 7 and 10 above.*

12. If not included in response to any of the previous questions, please describe the purpose and duration of each aquatic lands lease Respondent or the operator of Respondent's Property(ies) ever obtained from the State of Oregon and provide a copy of each application for and aquatic lands lease obtained.

**RESPONSE:** *Not applicable*

**Section 3.0 Description of Each Property**

13. Provide the following information about each Property identified in response to Question 4:
- a. property boundaries, including a written legal description;
  - b. location of underground utilities (telephone, electrical, sewer, water main, etc.);
  - c. location of all underground pipelines whether or not owned, controlled or operated by you;
  - d. surface structures (e.g., buildings, tanks, pipelines, etc.);
  - e. over-water structures (e.g., piers, docks, cranes, etc.);
  - f. dry wells;

- g. treatment or control devices (e.g., surface water, air, groundwater, Resource Conservation and Recovery Act (RCRA), Transfer, Storage, or Disposal (TSD), etc.);
- h. groundwater wells, including drilling logs;
- i. storm water drainage system, and sanitary sewer system, past and present, including septic tank(s) and where, when and how such systems are emptied and maintained;
- j. subsurface disposal field(s), Underground Injection Control (UIC) wells, and other underground structures (e.g., underground storage tanks (USTs); and where they are located, if they are still used, and how they were closed;
- k. any and all major additions, demolitions or changes on, under or about the Property, its physical structures or to the property itself (e.g., stormwater drainage, excavation work); and any planned additions, demolitions or other changes to the Property;
- l. all maps and drawings of the Property in your possession; and
- m. all aerial photographs of the Property in your possession.

**RESPONSE:**

*For the legal description of Parcel # 1, see Exhibit "A." For the legal description of Parcel # 2, see Exhibit "C." For the legal description of Parcel # 3, see Exhibit "I." To the best of our ability to determine, CHS does not possess the other information requested.*

14. For Properties adjacent to the Willamette River, provide specific information describing the river-ward boundary of private ownership and where state aquatic lands and/or state-management jurisdiction begins. Provide a map that delineates the river-ward boundary of each Property.

**RESPONSE:**

*Parcels # 1 and # 2 are not adjacent to the Willamette River. To the best of our ability to determine, Parcel # 3 is also not adjacent to the River.*

15. For each Property, provide all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about each Property. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

**RESPONSE:**

*See Responses to Request Nos. 6 and 10 above. Except to the extent provided in those Responses, CHS does not possess the reports, information, data or documents requested.*

16. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on each Property. For each such unit or area, provide the following information:
- a. a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units/areas;
  - b. dated aerial photograph of the site showing each unit/area;
  - c. the type of unit/area (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit/area;
  - d. the dates that the unit/area was in use;
  - e. the purpose and past usage (e.g., storage, spill containment, etc.);
  - f. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area; and
  - g. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information or documents requested.*

17. If the unit/area described above is no longer in use, how was such unit/area closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit/area.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

18. For each Property, provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, ditches, or tributaries discharging into the Willamette River:
- a. the location and nature of each sewer line, drain, ditch, or tributary;
  - b. the date of construction of each sewer line, drain, ditch, or tributary;
  - c. whether each sewer line, or drain was ever connected to a main trunk line;
  - d. whether each sewer line, drain, ditch, or tributary drained any hazardous substance, waste, material or other process residue to the Willamette River; and
  - e. provide any documentation regarding but not limited to the following on any and all outfalls to the Willamette River which are located within the boundaries of the Property(ies). Your response should include, but not be limited to:
    - i. the areas serviced by the outfalls; and

- ii. the type of outfall (i.e., storm water or single facility operational).

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

- 19. Provide copies of any stormwater or property drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface water runoff. Also provide copies of any Stormwater Pollution Prevention, Maintenance Plans, or Spill Plans developed for different operations during the Respondent's operation of each Property.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the documents requested.*

**Section 4.0 Respondent's Operational Activities**

- 20. Describe the nature of your operations or business activities at each Property. If the operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased.

**RESPONSE:**

*See Responses to Nos. 5 and 10 above.*

- 21. At each Property, did you ever use, purchase, generate, store, treat, dispose, or otherwise handle any waste, or material? If the answer to the preceding question is anything but an unqualified "no," identify:
  - a. in general terms, the nature and quantity of the waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
  - b. the chemical composition, characteristics, physical state (e.g., solid, liquid) of each waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
  - c. how each such waste or material was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
  - d. the quantity of each such waste or material used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

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**RESPONSE:**

*See Responses to Nos. 5 and 10 above. To the best of our ability to determine, except to the extent provided in those Responses, CHS does not possess the information requested.*

22. Describe all activities at each Property that was conducted over, on, or adjacent to, the Willamette River. Include in your description whether the activity involved hazardous substances, waste(s), or materials and whether any such hazardous substances, waste(s), or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located in the Willamette River.

**RESPONSE:**

*Not applicable.*

23. For each Property at which there was or is a mooring facility, dock, wharf or any over-water structure, provide a summary of over-water activities conducted at the structure, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, and ship building, retrofitting, maintenance, and repair.

**RESPONSE:**

*Not applicable*

24. Describe all activities conducted on leased aquatic lands at each Property. Include in your description whether the activity involved hazardous substances, waste(s), or materials and whether any such hazardous substances, waste(s), or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located on such leased aquatic lands.

**RESPONSE:**

*Not Applicable*

25. Please describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on each Property during the period of investigation (1937 – present). Provide the brand name of all pesticides or herbicides used.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

26. Describe how wastes transported off the Property for disposal are and ever were handled, stored, and/or treated prior to transport to the disposal facility.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

27. Has Respondent ever arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials to any Property (including the Willamette River) within the Investigation Area? If so, please identify every Property that Respondent's materials were disposed or treated at in the Investigation Area. In addition, identify:
- a. the persons with whom the Respondent made such arrangements;
  - b. every date on which Respondent made such arrangements;
  - c. the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of all materials involved in each such arrangement;
  - d. in general terms, the nature and quantity of the non-hazardous materials involved in each such arrangement;
  - e. in general terms, the nature and quantity of any hazardous materials involved in each such arrangement;
  - f. the owner of the materials involved in each such arrangement, if not Respondent;
  - g. all tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
  - h. the address(es) for each Property, precise locations at which each material involved in such transactions actually was disposed or treated;
  - i. the owner or operator of each facility at which hazardous or non-hazardous materials were arranged to be disposed at within the Investigation Area;
  - j. who selected the location to which the materials were to be disposed or treated;
  - k. who selected the Property as the location at which hazardous materials were to be disposed or treated; and
  - l. any records of such arrangement(s) and each shipment.

**RESPONSE:**

*See Response to No. 10 above. To the best of our ability to determine, except to the extent provided in that Response, CHS does not possess information indicating that it ever arranged for disposal or treatment or transportation for disposal or treatment of materials to any Property within the Investigation Area.*

28. Describe the plants and other buildings or structures where Respondent carried out its operations at each Property within the Investigation Area (excluding locations where ONLY clerical/office work was performed).

**RESPONSE:**

*See Responses to Nos. 4, 5, 6 and 10 above. To the best of our ability to determine, except to the extent provided in those Responses, CHS does not possess the information requested.*

29. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations on each Property.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information required to prepare the diagram or chart requested.*

30. Provide a brief description of the nature of Respondent's operations at each location on each Property including:
- the date such operations commenced and concluded; and
  - the types of work performed at each location, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.

**RESPONSE:**

*See Responses to Nos. 4 and 5 above.*

31. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.

**RESPONSE:**

*See Responses to Nos. 4 and 5 above.*

32. List the types of raw materials used in Respondent's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.

**RESPONSE:**

*Feed was processed at Parcel # 1 and pesticides and fertilizers were processed on Parcel # 2. To the best of our ability to determine, we do not possess more specific information on the raw materials used or the products processed.*

33. Provide copies of Material Safety Data Sheets (MSDS) for materials used in the Respondent's operations.

**RESPONSE:**

*We have no Material Safety Data Sheets from the operations.*

34. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:
- the types of materials used to clean/maintain this equipment/machinery;
  - the monthly or annual quantity of each such material used;
  - the types of materials spilled in Respondent's operations;
  - the materials used to clean up those spills;
  - the methods used to clean up those spills; and
  - where the materials used to clean up those spills were disposed of.



**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

35. Describe the methods used to clean up spills of liquid or solid materials during Respondent's operation.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

36. For each type of waste (including by-products) from Respondent's operations, including but not limited to all liquids, sludges, and solids, provide the following information:
- a. its physical state;
  - b. its nature and chemical composition;
  - c. its color;
  - d. its odor;
  - e. the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and
  - f. the dates (beginning & ending) during which each type of waste was produced by Respondent's operations.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

37. Provide a schematic diagram that indicates which part of Respondent's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

38. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.

**RESPONSE:**

*CHS has no current interest in these three parcels. It is not known who had responsibility for environmental matters during our ownership of the parcels.*

39. For each type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

40. Provide copies of such contracts and other documents reflecting such agreements or arrangements, Including, but not limited to the following:
- a. state where Respondent sent each type of its waste for disposal, treatment, or recycling;
  - b. identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request);
  - c. if Respondent transported any of its wastes away from its operations, please so indicate;
  - d. for each type of waste specify which Waste Carrier picked it up;
  - e. indicate the ultimate disposal/recycling/treatment location for each type of waste;
  - f. provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste; and
  - g. state the basis for and provide any documents supporting the answer to the previous question.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the documents requested.*

41. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
- a. the nature and chemical composition of each type of waste;
  - b. the dates on which those wastes were disposed;
  - c. the approximate quantity of those wastes disposed by month and year;
  - d. the location to which these wastes drained (e.g. septic system or storage tank at the Property, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
  - e. whether and what pretreatment was provided.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

42. Identify any sewage authority or treatment works to which Respondent's waste was sent.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

43. Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from Respondent's operations.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

44. If applicable, describe the facilities, processes and methods Respondent or Respondent's contractor used, and activities engaged in, either currently or in the past, related to ship building, retrofitting, maintenance or repair, including, but not limited to, dry-docking operations, tank cleaning, painting and re-powering.

**RESPONSE:**

*Not applicable.*

45. Describe any hazardous substances, wastes, or materials used or generated by the activities described in response to the previous Question and how these hazardous substances, materials and wastes were released or disposed of.

**RESPONSE:**

*Not applicable.*

46. Provide copies of any records you have in your possession, custody or control relative to the activities described in response to the previous two Questions.

**RESPONSE:**

*Not applicable.*

47. Describe any process or activity conducted on a Property identified in response to Question 4 involving the acquisition, manufacture, use, storage, handling, disposal or release or threatened release of polychlorinated biphenyl(s) ("PCB(s)" or PCB(s)-containing materials or liquids.

**RESPONSE:**

*We know of no such process or activity.*

48. For each process or activity identified in response to the previous Question, describe the dates and duration of the activity or process and the quantity and type of PCB(s) or PCB(s) containing materials or liquids.

**RESPONSE:**

*Not applicable.*

49. For each process or activity identified in response to the previous two Questions, identify the location of the process or activity on the property.

**RESPONSE:**

*Not applicable.*

**Section 5.0 Regulatory Information**

50. Identify all federal, state and local authorities that regulated the owner or operator of each Property and/or that interacted with the owner or operator of each Property. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and/or environmental concerns.

**RESPONSE:**

*See Response No. 10 above which refers to the Oregon DEQ. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to No. 10.*

51. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning each Property during the period being investigated related to health and safety issues and/or environmental concerns. Provide copies of all documents associated with each occurrence described.

**RESPONSE:**

*See Response No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to No. 10.*

52. Provide a list of all local, state and federal environmental permits ever issued to the owner or operator on each Property (e.g., RCRA permits, NPDES permits, etc.). Please provide a copy of each federal and state permit, and the applications for each permit, ever issued to the owner or operator on each Property.

**RESPONSE:**

*To the best of our ability to determine, we do not possess this information and do not have copies of any such permits.*

53. Did the owner or operator ever file a Hazardous Waste Activity Notification under the RCRA? If so, provide a copy of such notification.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

54. Did the owner or operator's facility on each Property ever have "interim status" under the RCRA? If so, and the facility does not currently have interim status; describe the circumstances under which the facility lost interim status.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

55. Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

56. Identify all federal offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

57. Identify all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.

**RESPONSE:**

*To the best of our ability to determine, CHS does not possess the information requested.*

58. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq., Oregon Hazardous Substance Remedial Action Law, ORS 465.315, Oregon

Water Quality law, ORS Chapter 468(b), Oregon Hazardous Waste and Hazardous Materials law, ORS Chapters 465 and 466, or Oregon Solid Waste law, ORS Chapter 459. Provide copies of each report made, or if only oral reporting was required, identify the federal and state offices to which such report was made.

**RESPONSE:**

*See Response No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

59. Provide a copy of any registrations, notifications, inspections or reports required by the Toxic Substances Control Act, 15 USC § 2601 et seq., or state law, to be maintained or submitted to any government agency, including fire marshal(s), relating to PCB(s) or PCB(s) containing materials or liquids on any Property identified in response to Question 4.

**RESPONSE:**

*To the best of our ability to determine, we do not possess copies of any such registrations, notifications, inspections or reports.*

60. Has Respondent or Respondent's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to the Oregon Department of State Lands ("DSL") or any other state agency concerning an incident, accident, spill, release, or other event involving Respondent's leased state aquatic lands? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between Respondent or its agents and DSL or the other state agency and all documents that were exchanged between Respondent, its agents and DSL or other state agency.

**RESPONSE:**

*To the best of our ability to determine, there has not been any such contact, notice or report.*

61. Describe all notice or reporting requirements to DSL that you had under an aquatic lands lease or state law or regulation regarding incidents affecting, or activities or operations occurring on leased aquatic lands. Include the nature of the matter required to be reported and the office or official to whom the notice or report went to. Provide copies of all such notices or reports.

**RESPONSE:**

*To the best of our ability to determine, CHS had not such notice or reporting requirements.*

**Section 6.0 Releases and Remediation**

62. Identify all leaks, spills, or releases into the environment of any waste, including petroleum, hazardous substances, pollutants, or contaminants, that have occurred at or from each Property, which includes any aquatic lands owned or leased by Respondent. In addition, identify, and provide copies of any documents regarding:
- a. when such releases occurred;
  - b. how the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated);
  - c. the amount of each hazardous substances, pollutants, or contaminants so released;
  - d. where such releases occurred;
  - e. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
  - f. any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken;
  - g. all persons with information relating to these releases; and
  - h. list all local, state, or federal departments or agencies notified of the release, if applicable.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

63. Was there ever a spill, leak, release or discharge of waste, including petroleum, or hazardous substances, pollutant or contaminant into any subsurface disposal system or floor drain inside or under a building on the Property? If the answer to the preceding question is anything but an unqualified "no", identify:
- a. where the disposal system or floor drains were located;
  - b. when the disposal system or floor drains were installed;
  - c. whether the disposal system or floor drains were connected to pipes;
  - d. where such pipes were located and emptied;
  - e. when such pipes were installed;
  - f. how and when such pipes were replaced, or repaired; and
  - g. whether such pipes ever leaked or in any way released such waste or hazardous substances into the environment.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

64. Has any contaminated soil ever been excavated or removed from the Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:
- a. amount of soil excavated;
  - b. location of excavation presented on a map or aerial photograph;
  - c. manner and place of disposal and/or storage of excavated soil;
  - d. dates of soil excavation;
  - e. identity of persons who excavated or removed the soil, if other than a contractor for Respondent;
  - f. reason for soil excavation;
  - g. whether the excavation or removed soil contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the soil contained, and why the soil contained such constituents;
  - h. all analyses or tests and results of analyses of the soil that was removed from the Property;
  - i. all analyses or tests and results of analyses of the excavated area after the soil was removed from the Property; and
  - j. all persons, including contractors, with information about (a) through (i) of this request.

**RESPONSE:**

*See Response No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

65. Have you ever tested the groundwater under your Property? If so, please provide copies of all data, analysis, and reports generated from such testing.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

66. Have you treated, pumped, or taken any kind of response action on groundwater under your Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:
- a. reason for groundwater action;
  - b. whether the groundwater contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the groundwater contained, and why the groundwater contained such constituents;
  - c. all analyses or tests and results of analyses of the groundwater;
  - d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and



- e. all persons, including contractors, with information about (a) through (c) of this request.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

67. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into the Willamette River from any equipment, structure, or activity occurring on, over, or adjacent to the river? If the answer to the preceding question is anything but an unequivocal "no", identify and provide copies of any documents regarding:
- a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;
  - b. the dates of each such occurrence;
  - c. the amount and location of such release;
  - d. were sheens on the river created by the release;
  - e. was there ever a need to remove or dredge any solid waste, bulk product, or other material from the river as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

68. For any releases or threatened releases of PCB(s), identify the date, quantity, location and type of PCB(s), or PCB(s) containing materials or liquids, and the nature of any response to or cleanup of the release.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

69. For any releases or threatened releases of PCB(s) and/or PCB(s) containing materials or liquids, identify and provide copies of any documents regarding the quantity and type of waste generated as a result of the release or threatened release, the disposition of the waste, provide any reports or records relating to the release or threatened release, the response or cleanup and any records relating to any enforcement proceeding relating to the release or threatened release.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

## Section 7.0 Property Investigations

70. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Property concerning insurance issues or insurance coverage matters.

**RESPONSE:**

*To the best of our ability to determine, we do not possess such information or documents.*

71. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, and hydrology or air quality on or about each Property. Provide copies of all data, reports, and other documents that were generated by you or a consultant, or a federal or state regulatory agency related to the investigations that are described.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

72. Describe any remediation or response actions you or your agents or consultants have ever taken on each Property either voluntarily or as required by any state or federal agency. If not otherwise already provided under this Information Request, provide copies of all investigations, risk assessments or risk evaluations, feasibility studies, alternatives analysis, implementation plans, decision documents, monitoring plans, maintenance plans, completion reports, or other document concerning remediation or response actions taken on each Property.

**RESPONSE:**

*See Response to Request No. 10 above. To the best of our ability to determine, we do not possess such information or documents, except to the extent identified in Response to Request No. 10.*

73. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Property? If so, identify:
- what the nature and scope of these investigations will be;
  - the contractors or other persons that will undertake these investigations;
  - the purpose of the investigations;
  - the dates when such investigations will take place and be completed; and
  - where on the Property such investigations will take place.

**RESPONSE:**

*No.*

**Section 8.0 Corporate Information**

74. Provide the following information, when applicable, about you and/or your business(es) that are associated with each Property identified in response to Question 4:
- state the current legal ownership structure (e.g., corporation, sole proprietorship);
  - state the names and current addresses of current and past owners of the business entity or, if a corporation, current and past officers and directors;
  - discuss all changes in the business' legal ownership structure, including any corporate successorship, since the inception of the business entity. For example, a business that starts as a sole proprietorship, but then incorporates after a few years, or a business that is subsequently acquired by and merged into a successor. Please include the dates and the names of all parties involved;
  - the names and addresses of all current or past business entities or subsidiaries in which you or your business has or had an interest that have had any operational or ownership connection with the Properties identified in response to Question 4. Briefly describe the business activities of each such identified business entities or subsidiaries; and
  - if your business formerly owned or operated a Property identified in response to Question 4, describe any arrangements made with successor owners or operators regarding liability for environmental contamination or property damage.

**RESPONSE:**

- a, b. **As to Parcel #1**, Cenex Ag, Inc., a Delaware corporation, (a wholly-owned subsidiary of CHS Inc.) owned this parcel from April 2, 1982 – July 24, 1989 but Cenex Ag, Inc. only operated this parcel from April 2, 1982 – December 31, 1986. Thereafter, it was operated by LOL. The current address of Cenex Ag, Inc. is 5500 Cenex Drive, Inver Grove Heights, MN 55077. The current officers are listed on **Exhibit "SS"** which is attached. The officers and directors during the period 1982 – 1989 include Steven Johnson, Violet Olson, Stanley Lehman, Don Hoggarth, James Lingwood, John Broste, Dale Johnson, Lloyd Kaercher, Lawrence Murry, Joseph Larson, Dixie Riddle, Richard Traphagen, Kermit Veum, Arnold Weisenbeck, Darrell Moseson, Jerry Hahn, Charles Habergarten, Dolores Frantz, Lloyd Allen, Bob Nixon, Elroy Webster, Gaylord Olson, Robert Ullom, Lester Peter, Edward Melby, David Johnson, Roy Kopperud, Noel Estenson, and Joel Koonce.

**As to Parcel #2**, Farmers Union Central Exchange, Incorporated, a Minnesota cooperative corporation, had a leasehold interest in this parcel from September

30, 1977 to May 1980. The current address of CHS Inc. (see response (c) for name change clarification) is 5500 Cenex Drive, Inver Grove Heights, MN 55077. The current officers are listed on **Exhibit "TT"** which is attached. The officers and directors during the period 1977-1980 include Arnold Weisenbeck, Olander Slethaug, Lester Peter, Doane Mortenson, Roy Kopperud, John Broste, Joseph Larson, Kenneth Ellingsopn, Herbert Pomplun, Ed Melby, Kermit Veum, Dixie Lee Riddle, Dale Johnson, Darrell Moseson, Al Oukrop, David Johnson, Jack Lackman, Noel Estenson, Harlan Rosvold, Wally Ginkel, Marv Wieland, Maurice Miller, Virgil Knudson, Dick Siderius, George Kavouras, and Charles Habergarten.

**As to Parcel #3,** Farmers Union Central Exchange, Incorporated, a Minnesota cooperative corporation, owned this parcel from October 1, 1977 to January 15, 1980. The current address of CHS Inc. (see response (c) for name change clarification) is 5500 Cenex Drive, Inver Grove Heights, MN 55077. The current officers are listed on **Exhibit "TT"** which is attached. The officers and directors during the period 1977-1980 include Arnold Weisenbeck, Olander Slethaug, Lester Peter, Doane Mortenson, Roy Kopperud, John Broste, Joseph Larson, Kenneth Ellingsopn, Herbert Pomplun, Ed Melby, Kermit Veum, Dixie Lee Riddle, Dale Johnson, Darrell Moseson, Al Oukrop, David Johnson, Jack Lackman, Noel Estenson, Harlan Rosvold, Wally Ginkel, Marv Wieland, Maurice Miller, Virgil Knudson, Dick Siderius, George Kavouras, and Charles Habergarten.

- c. **As to Parcel #1,** Cenex Ag, Inc. was originally named FUCEI-E, Inc. and was incorporated in Delaware on October 23, 1974. The name was changed to Cenex Ag, Inc. on October 1, 1981. The sole stockholder was Farmers Union Central Exchange, Incorporated. The entity Cenex Ag, Inc. remains a Delaware corporation and is currently in good standing in the state of Delaware.

**As to Parcel #2,** Farmers Union Central Exchange, Incorporated was incorporated in the state of Minnesota on January 15, 1931 as a cooperative corporation. Farmers Union Central Exchange, Incorporated changed its name to CENEX, Inc. on December 13, 1983. CENEX, Inc. merged with and into Harvest States Cooperatives on May 29, 1998 to form Cenex Harvest States Cooperatives. On August 5, 2003 Cenex Harvest States Cooperatives changed its name to CHS Inc. CHS Inc. remains a Minnesota cooperative corporation and is currently in good standing in the state of Minnesota.

**As to Parcel #3,** Farmers Union Central Exchange, Incorporated was incorporated in the state of Minnesota on January 15, 1931 as a cooperative corporation. Farmers Union Central Exchange, Incorporated changed its name to CENEX, Inc. on December 13, 1983. CENEX, Inc. merged with and into Harvest States Cooperatives on May 29, 1998 to form Cenex Harvest States Cooperatives. On August 5, 2003 Cenex Harvest States Cooperatives changed its

*name to CHS Inc. CHS Inc. remains a Minnesota cooperative corporation and is currently in good standing in the state of Minnesota.*

- d. *See Responses 74.a, 74.b. and 74.c., above.*
- e. *IHI agreed to defend and indemnify CHS from any and all future claims against CHS arising from contamination of Parcel #2. See Response to No. 10 above. To the best of our ability to determine, no other such arrangements were made with successor owners or operators.*

75. List all names under which your company or business has ever operated and has ever been incorporated. For each name, provide the following information:
- a. whether the company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
  - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
  - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Respondent.

**RESPONSE:**

- a. *See the names listed in Response to Request No. 74 above. See also, Response to Request No. 4. In addition, CHS has had numerous trade names and/or fictitious names since its formation in 1931. Some of the more recent names are listed on **Exhibit "UU,"** which is attached.*
- b. *A complete list of CHS' officers, including their business address, is provided in **Exhibit "TT"** which is attached. The main telephone number for CHS is (651) 355-6000. CHS' registered agent in the state of Minnesota is CT Corporation, 405 Second Avenue, Minneapolis, MN 55401.*
- c. *A complete list of CHS' subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations is provided in **Exhibit "VV"** which is attached.*

76. Provide all copies of the Respondent's authority to do business in Oregon. Include all authorizations, withdrawals, suspensions and reinstatements.

|

**RESPONSE:**

See attached **Exhibit “WW.”**

77. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:
- a. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent’s business operations at the Site;
  - b. the dates such relationship existed;
  - c. the percentage of ownership of Respondent that is held by such other entity(ies);
  - d. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity’s officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity’s stock;
  - e. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at each Property; and
  - f. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

**RESPONSE:**

*See Responses to Request Nos. 4, 74 and 75 above. Responding to subpart e, insurance policies which may cover liabilities related to Parcels 1, 2 and 3 are attached hereto as **Exhibit “XX.”***

78. If Respondent is a partnership, please describe the partnership and provide a history of the partnership’s existence. Provide a list of all current and past partners of any status (e.g., general, limited, etc.) and provide copies of all documents that created, govern, and otherwise rules the partnership, including any amendments or modifications to any of the originals of such documents, and at least five years of partnership meeting minutes.

**RESPONSE:**

Not applicable.

**Section 9.0 Compliance With This Request**

79. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
- a. the name and current job title of all individuals consulted;
  - b. the location where all sources reviewed are currently reside; and
  - c. the date consulted.

**RESPONSE:**

*Copies of all documents that were sources of information are attached hereto as exhibits. The original documents are located at 5500 Cenex Drive Inver Grove Heights, MN 55077. The following individuals were consulted:*

David A. Kastelic  
CHS Inc. – Senior Vice President and General Counsel

Scott T. Beiswenger  
CHS Inc. – Principal Legal Counsel

Karen Hanson  
CHS Inc. – Senior Paralegal

Roger Tschida  
CHS Inc. – Director, Corporate Real Estate

Pete Mutschler  
CHS Inc. – Environmental and Safety Manager

Nick White  
CHS Inc. – Regional Director

Jodell M. Heller  
CHS Inc. – Vice President and Controller

Richard D. Rud  
Former Employee of CHS Inc. – Retired

The above were consulted by Malcolm G. McDonald (CHS Inc. – Principal Legal Counsel) throughout March and April 2008.

80. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous substances, waste, or materials to or from, each Property identified in response to Question 4.

**RESPONSE:**

*To the best of our ability to determine, all persons with such knowledge or information are identified above, or in one or more of the attached documents.*

81. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- the document retention policy between 1937 and the present;
  - the approximate date of destruction;
  - a description of the type of information that would have been contained in the documents;
  - the name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for destroying the documents; and the person(s) who had and/or still have the originals or copies of these documents; and
  - the names and most current addresses of any person(s) who may possess documents relevant to this inquiry.

**RESPONSE:**

*To the best of our ability to determine, all documents solicited in this information request are attached hereto. We are not aware of any such documents that have been destroyed. CHS currently has a Records Retention Policy and Schedule (the "Retention Policy"), which provides broad retention guidelines across all CHS departments. The Retention Policy was put in place around August 2005. It establishes, among other things, that the following categories of documents will be retained for the stated length of time: annual financial statements (25 yrs); bank records, statements, and reconciliations (7 yrs); budgets, forecasts, estimates, and strategic plans (3 yrs); cash receipt and disbursement journals (10 yrs); and registered, canceled, and voided checks (7 yrs).*

*Before the merger of Cenex, Inc. and Harvest States Cooperatives in 1998, each of the two companies had its own document-retention guidelines. The two former companies continued to use those guidelines until August 2005. Before the 1998 merger, Cenex had a Corporate Records Retention Guide that applied to the company in general. Cenex put this policy into place in December 1985. To the best of our ability to determine, there was no formal document retention policy for Cenex Ag, Inc. or Cenex, Inc. prior to the Corporate Records Retention Guide that was adopted in 1985.*

82. Provide a description of all records available to you that relate to all of the questions in this request, but which have not been included in your responses.

**RESPONSE:**

*None.*



## INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Information Request. Please provide responses to all the questions in this Information Request for each Property identified in response to Question 4 of Section 2.0, when appropriate. For each Response clearly identify the Property or Properties to which the response applies. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject the Respondent to the penalties set out in the cover letter.
2. Response and Copies of Documents Must be on Paper (hard copy). Provide the responses to this Information Request and at least one copy of all requested documents on hard copy paper.

There is a Portland Harbor PRP search website:

(<http://yosemite.epa.gov/R10/CLEANUP.NSF/7d19cd587dff1eece8825685f007d56b7/75c7f27bd108f3cb88256f4a007ba018!OpenDocument>) that lists documents in the Superfund program's files related to certain facilities or parties. You do not need to provide a copy of a document that appears on the list if EPA has a complete copy. If a document is on EPA's list, you still must provide a complete Response to each question in this Information Request and, if necessary in order to completely respond to a Question, describe the content of any document in EPA's files in your Response.

You may also provide a second copy of the response electronically on a compact disc, if you choose, in Portable Document Format (PDF) format. If possible, further format large documents as follows;

- a. Bookmark documents longer than 10 pages for easier navigation (e.g., chapters);
  - b. Ensure that file/document properties/initial view is for "bookmarks panel and page" if there are bookmarks.
  - c. For document composed of multiple files, link together with a starter file that is less than 2 MB, i.e., the document's executive summary. The executive summary should have a bookmarks panel with bookmark links to the other files. Ensure that all files are saved to the same folder, rather than multiple folders so that the linkage is retained.
  - d. Bookmarks to other files should indicate the name of that file (and size of that file, if over 1 MB).
  - e. "Tag" the document for accessibility if this was not done by the source application (advanced/accessibility/tag).
  - f. Enter document properties: 1) title, author (should be XXXX for EPA Region 10), 2) subject, and 3) keywords.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.

4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.
5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
6. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. ' ' 9604(e)(7)(E) and (F), and 40 C.F.R. ' ' 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. ' ' 2.201-2.311. If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.
7. Disclosure to EPA Contractor. Information submitted in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information." Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
10. Privilege. If a privilege is asserted for any document responsive to this Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

## **DEFINITIONS**

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. ' 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

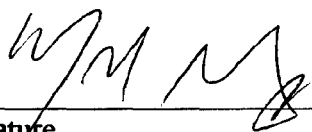
1. The term "you" or "Respondent" shall mean the addressee of this Request, together with the addressee's officers, managers, agents, employees, contractors, trustees, successors, assigns, and any predecessor or successor corporations or companies.
2. The term Abusiness activities@ shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Property, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.
3. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
  - a. writings of any kind, including, but not limited to, any of the following:
    - i. letters, memoranda, email or fax transmittals;
    - ii. any film, photograph, or sound recording on any type of device;
    - iii. meeting minutes, telephone records, notebooks;
    - iv. agreements and contracts;
    - v. reports to shareholders, management, or government agencies;
    - vi. transportation manifests;
    - vii. copies of any document;
    - viii. report, notices, analysis, notebook.
  - b. any blueprints or drawings; and
  - c. attachments to, or enclosures with, any document.
4. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
5. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

6. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
7. The term "Investigation Area" refers to the area in and adjacent to the Willamette River in which EPA is currently conducting its PRP search and is bounded to the North by the confluence of the Columbia Slough, approximately River Mile 1.7 and bounded to the South at River Mile 12 and bounded to the East by a line following N Lombard St. to N Columbia Blvd. to Chimney Park to N. Commando Ave. to N Lombard St. to N Reno Ave. to N Edison St. to N Catlin Ave to N Decatur St. to N Baltimore Ave. to N Crawford St. to N Polk Ave. to N Willamette Blvd. to N Greeley Ave to N Interstate Ave. and bounded to the West by a line following NW Gillihan Rd. on Sauvie Island to Columbia River Hwy 30 to NW St. Helens Rd. to NW Nicolai St. to NW Vaughn St. to NW Thurman St. to NW 14th Ave. to NW Raleigh St. to NW 13th Ave. to NW Pettygrove St. to NW 12th Ave to NW Overton St. to NW 9th Ave. to NW Lovejoy St. to NW Broadway to NW Glisan St. Additionally, the area included between the Columbia River Hwy 30 and Forest Park is included in the definition of Investigation Area. See attached Investigation Area Map for a visual depiction of the Investigation Area.
8. The term "material" or "materials" shall mean any and all raw materials, commercial products, wastes, oil, petroleum, chemicals, substances, or matter of any kind.
9. The "period being investigated" and "the relevant time period" shall mean 1937 to present.
10. The term "Property(ies)" shall refer to any and all real or personal property within the Portland Harbor Investigation Area that Respondent owns, leases, manages, operates, has an easement on, or otherwise has an affiliation, or previously owned, leased, managed, operated, had an easement on, or otherwise had an affiliation during the period being investigated. The term Property includes aquatic lands owned, leased, or otherwise controlled by Respondent. Please note that you must answer the Questions in this Information Request related to properties outside the Investigation Area if Question 4, Section 2.0 specifically instructs you to.
11. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, containers for temporary or permanent holding of wastes, building debris and asbestos-containing material.

## DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on May 7, 2008.

  
\_\_\_\_\_  
Signature

Malcolm G. McDonald  
Type or Print Name

Principal Legal Counsel  
Title

Mailing Address: CHS Inc. – MS 625  
5500 Cenex Drive  
Inver Grove Heights, MN 55077